

REMARKS

The Applicants do not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the response contained herein be entered in and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated November 17, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-7, 10 and 16-20 are rejected by the November 17, 2005 Final Office Action. Claims 8-9 are objected to for depending from a rejected claim but are otherwise states as being allowable. Claim 11-15 are allowed

The Examiner suggests that the Applicant provide specification headings. As discussed in the previous response made by the Applicant, 37 CFR 1.77(b) does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. The section of 37 CFR 1.77(b) that the Examiner refers only provides a suggestion and there is no requirement that the specification specifically have section headings. Accordingly, the Applicant, respectfully, declines to add specification headings as suggested by the Examiner because they are not required.

Claims 1 and 16 are objected to for informalities. The Examiner states that no positive steps for recording information are recited in Claim 1 and 16. The Applicant, respectfully, disagrees. Claims 1 and 16 distinctly point out and particularly recite positive steps for recording information. The Examiner further objects to Claim 16 due to informalities. The first informality for "the recording area of the" is the result of a word processing error. The forgoing amendment has corrected this oversight to define -- the recording area--; thus, obviating this objection.

The second informality relates to the term "the data packet effected". Claim 16 defines subject matter for a defective block that is recorded via a replacement recording in a replacement zone of said user area wherein the replacement recording comprises recording a plurality of successive data packets following the data packet effected. Claim 16 further defines that the information to be recorded is divided into data

packets having the size of a block and successive data packets are recorded in different blocks. The recitation for the defective block to be recorded using a replacement recording in a replacement zone necessitates that the defective data packet effected within the defective block is recorded within the replacement zone. Claim 16 inherently defines the subject matter for the data packet effected by the defective block. Accordingly, the Applicant does not believe that any correction is required.

Claims 1-7, 10 and 16-20 are rejected under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,914,928 issue in the name of Takahashi (hereinafter referred to as Takahashi).

Regarding Claim 1, the rejection asserts that Takahashi disclose all the elements of the rejected claims. The Examiner alleges that the replacement zone of Takahashi has a size that can change dynamically. The Applicant, respectfully, disagrees. The subject matter for the replacement zone having a size that can change dynamically is not disclosed or suggested by Takahashi or any of the cited prior art references.

In Takahashi at column 14, lines 24-29, discusses the replacement of defective sectors by sectors and specifically states that "the number of spare blocks for replacement is a predetermined number."

Takahashi at column 14, line 66-column 15, line 2 states that if "defective data sector found during certification is replaced (exchanged) by the first good sector following the defective sector, and causes a slip of one sector towards the end of the group. The last data sector slips into the spare sector area of the group." Thus, the replacement area in Takahashi may contain originally recorded sectors in addition to replacement sectors. In Takahashi the replacement sectors may be written in the "Data Area" in addition to the replacement areas. The replacement area as taught by Takahashi does not change size just because it may contain originally recorded sectors.

There is no disclosure or suggestion for the replacement area as taught by Takahashi to dynamically change size. Therefore, this rejection is traversed.

Regarding rejected Claims 2, 4, 17 and 19, the Examiner alleges that Takahashi teaches a method as claimed in Claim 1, wherein, prior to the recording

session, a given part of the freely accessible addressable user area is reserved as a replacement zone at column 14, lines 37-45. The Applicants, respectfully, point out that column 14, lines 37-45 of Takahashi state that the spare blocks are used for replacement of defective sectors. The spare blocks are not disclosed or suggested by Takahashi as being usable as a freely accessible addressable user area. Takahashi only discloses that the "spare blocks can be used for replacement of defective sectors" (see column 14, lines 41-42).

Regarding rejected Claims 3 and 18, the Examiner further alleges that Takahashi teaches a method as defined by Claim 1, wherein, during the recording session, an extra part of the freely accessible addressable user area is reserved as a replacement zone, if necessary on column 14, lines 37-45; and column 15, lines 1-35. The Applicant, respectfully, disagrees. The Applicants, respectfully, point out that column 14, lines 37-45 of Takahashi state that the spare blocks are used for replacement of defective sectors. The spare blocks are not disclosed or suggested by Takahashi as being usable as a freely accessible addressable user area. Takahashi only discloses that the "spare blocks can be used for replacement of defective sectors" (see column 14, lines 41-42). There is no disclosure or suggestion for part of a freely accessible addressable user area being reserved as a replacement area within Takahashi. Column 15, lines 1-35 of Takahashi discuss the use of spare blocks for storage of defective areas. Spare blocks are not disclosed or suggested by Takahashi as being freely accessible addressable user areas. Therefore, this rejection is traversed.

Regarding Claim 5, the Examiner alleges that Takahashi teaches if a defective block is encountered during the recording process, a replacement recording is made for a file portion comprising a plurality of successive data packets (Fig. 12, column 15, lines 1-35). The Applicant disagrees with this allegation. Takahashi at column 15, lines 1-35 teaches that a defective block is exchanged with the first available good spare block and makes no mention, disclosure or suggestion for a replacement recording is made for a file portion comprising a plurality of successive data packets. Therefore, this rejection is traversed.

Regarding Claim 6, the Examiner asserts that Takahashi teaches a recording apparatus adapted to carry out a method as claimed in any one of Claims 1-5.

The Applicant, respectfully, disagrees for the reasons stated in the response to the rejection of Claim 1-5.

Regarding Claim 7, the Examiner alleges that Takahashi teaches a recording apparatus as defined by rejected Claim 7. The Applicant, respectfully, points out that rejected Claim 7 defines subject matter including a recording apparatus that performs the method of Claim 1. Therefore, rejected Claim 7 defines a replacement recording in a replacement zone within the user area wherein the replacement zone has a size that can change dynamically during the recording session. There is no disclosure or suggestion for the replacement area as taught by Takahashi to dynamically change size. Therefore, this rejection is traversed.

Regarding Claims 10 and 20, the Examiner alleges that Takahashi teaches in (Figure 18-20 that at least 100 successive packets are recorded in the other part of the user area. The Applicant disagrees. There is no disclosure or suggestion within Takahashi for 100 successive packets are recorded in the other part of the user area. Therefore, this rejection is traversed.

Claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,367,038 issue in the name of Ko (hereinafter referred to as Ko). The rejection asserts that Ko discloses all the elements of the rejected claims. The rejected claims define subject matter for the replacement zone to have a size that can change dynamically during the recording session. The Examiner's position, as stated in the Final Office Action, is that since every time a defective block is detected and placed in the replacement zone, the remaining available area within the replacement zone is less; therefore, the Examiner asserts that the size of the replacement zone has changed and that this change is dynamic. The Applicant does not concur with the reasoning used by the Examiner in the Final Office Action. The replacement zone is defined as being within the user area by rejected Claim 1. The replacement zone is not defined as an amount remaining within the replacement zone. The rejection attempts to apply a definition to the term "replacement zone" that is completely contradictory to the definition supplied by the rejected claims. The rejected claims define the term "replacement zone" as a part of the user area. The rejection attempts to apply a definition to the term "replacement zone"

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that is not a designated part of the user area but instead a portion of that part that has not been used. The Applicant, respectfully, points out that the rejection does not substantiate this line of reasoning that is used in making the rejection. Simply put, the Examiner does not provide any rationale to support the contention that the term "replacement zone" can be reasonably be read so broadly to read on "an unused portion of the replacement zone" as alleged in the Final Office Action.

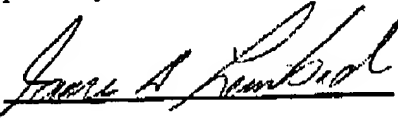
The Applicant, respectfully, points out that the supplementary spare area as taught by Ko has an amount that must be calculated in advance (see col. 6, lines 48-50). The replacement zone as defined by the rejected claims has a size that can change dynamically during the recording session. Accordingly, Ko teaches away from the subject matter defined by the rejected claims. There is no disclosure or suggestion within Ko for a replacement zone having a size that can change dynamically during the recording session. Therefore, this rejection is traversed.

Claim 5 is rejected under 35 U.S.C. §103(a) as being obvious over Ko in view of EP 0798716 by Ymamuro (hereinafter referred to as Ymamuro). The rejection asserts that Ko disclose all the elements of Claim 5 except if a defective block is encountered during the recording process, the replacement recording is made for a file portion comprising a the plurality of successive data packets. The Examiner asserts that Ymamuro teaches the foregoing subject matter. The Applicant disagrees. As discussed above by the Applicant, there is no disclosure or suggestion within Ko for a replacement zone that has a size that can change dynamically during the recording session. Ymamuro does not disclose or suggest for a replacement zone that has a size that can change dynamically during the recording session. Therefore, this rejection is traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

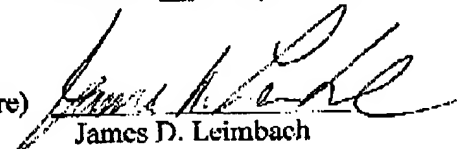
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